

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Barbara Webster

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Pollins, Pollins Law, 303 W. Lancaster Ave.,
Ste. 1C, Wayne, PA 19087**DEFENDANTS**

Payer Matrix, LLC

County of Residence of First Listed Defendant Delaware

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Derek Illar and Laura Cottington - Eckert Seamans

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	310 Airplane	365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	315 Airplane Product Liability	367 Health Care/ Pharmaceutical Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	340 Marine	371 Truth in Lending	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	385 Property Damage Product Liability	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	355 Motor Vehicle Product Liability	LABOR	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	360 Other Personal Injury	710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	362 Personal Injury - Medical Malpractice	720 Labor/Management Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	REAL PROPERTY	740 Railway Labor Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	751 Family and Medical Leave Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	440 Other Civil Rights	790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	441 Voting	791 Employee Retirement Income Security Act	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	442 Employment	IMMIGRATION	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	443 Housing/ Accommodations	462 Naturalization Application	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	445 Amer. w/Disabilities - Employment	465 Other Immigration Actions	JURY DEMAND:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Families First Coronavirus Response Act and ADAAA**VI. CAUSE OF ACTION**Brief description of cause:
Wrongful termination**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$ *Unliquidated*CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER _____

DATE

07/18/2022

FOR OFFICE USE ONLYSIGNATURE OF ATTORNEY OF RECORD
[Signature]

RECEIPT # _____ AMOUNT _____

APPLYING IFFP _____

JUDGE _____

MAG. JUDGE _____

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 204 North 5 Points Road, West Chester, PA 19380

Address of Defendant: 1400 N. Providence Road, Ste. 5000, Media, PA 19063

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

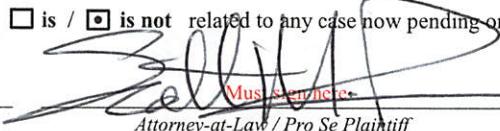
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 07/18/2022


PA76334

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)**A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

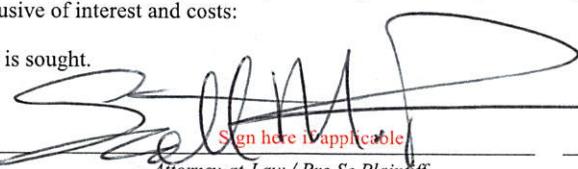
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Scott M. Pollins, counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

DATE: 07/18/2022


PA76334

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA WEBSTER,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO.
v.	:	
	:	
PAYER MATRIX, LLC,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

COMPLAINT

I. INTRODUCTION

1. Plaintiff, Barbara Webster (Webster), is suing her former employer, Payer Matrix, LLC (PM), for terminating her employment in violation of the Families First Coronavirus Response Act, (“FFCRA”) and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C.A. § 12101 *et seq.* (“ADAAA”), the Pennsylvania Human Relations Act, 43 P.S. § 951 *et seq.* (“PHRA”), Webster seeks back pay and the value of her benefits, reinstatement or front pay, loss of earnings capacity, compensatory damages (for FFCRA retaliation and under the ADAAA and PHRA only), liquidated damages (for FFCRA interference only), punitive damages (for FFCRA retaliation and under the ADAAA only), interest, negative tax consequence damages, injunctive relief, and attorney’s fees and costs.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, the FFCRA and the ADAAA. Furthermore, PM’s conduct violated the PHRA, and the pendant jurisdiction of this Court is invoked to remedy those violations.

3. Venue is proper as Webster worked at PM, which is located in the Eastern District of Pennsylvania.

4. Webster exhausted all remedies available to her as set forth in the ADAAA by timely filing a complaint with the Equal Employment Opportunity Commission and dually filing with the PHRC. The EEOC issued a Notice of Right to Sue on April 20, 2022, and this Complaint is filed within 90 days of that date.

III. PARTIES

5. Webster is an adult female, and she resides in West Chester, PA.

6. PM is a specialty drug cost containment company who partners with commercial plans, Taft Hartley Funds, and third-party administrators in the industry to help mitigate the financial risk and growing liability related to specialty drug costs. PM is a Texas limited liability company with its corporate office at 1400 N. Providence Road, Suite 5000, Media, PA 19063.

7. At all relevant times described in this Complaint, Payer Matrix was a private employer with 15 or more employees and fewer than 500 employees.

8. At all material times hereto, PM acted through its employees, agents, representatives and/or servants who were acting within the course and scope of their employment and authority.

IV. FACTUAL BACKGROUND

9. In early October 2019, Webster interviewed with PM's VP of Operations, Jennifer Hoefner (Hoefner), for a position at PM. During the interview, Webster disclosed to Hoefner that she had rheumatoid arthritis, an autoimmune disease, and other medical issues.

10. Several weeks later Hoefner offered Webster a job at PM as a reimbursement case coordinator (RCC) working for the RCC Manager, Karin Ford (Ford). The RCC job is performed at a desk talking on the phone and using a computer.

11. Webster had worked with Ford previously at two prior employers, and Ford was aware of Webster's medical conditions.

12. Due to sickness, Webster had to postpone her start date at PM. Webster eventually started at PM in early March 2020.

13. On about March 16, 2020, many U.S. employers, including PM, closed their in-person operations due to the COVID-19 pandemic and it remained closed for a period due to an emergency stay-at-home Order issued by the Pennsylvania Governor, effective on or about March 23, 2020.

14. In June 2020, PM began a phased return to in-person work by having employees work in-person 2 days per week.

15. Due to Webster's medical conditions, including recurring respiratory infections, Webster continued to work from home through early September 2020.

16. Webster's respiratory function substantially limited some of her major life activities, including, but not limited to, breathing and concentrating. Webster's medical condition also rendered her more susceptible to becoming severely ill or dying if she were infected by COVID-19.

17. Notwithstanding Webster's medical condition, Hoefner wanted her to return to work in-person. In an August 27, 2020 email, Hoefner told Webster that she needed to plan to return to work in early September.

18. In early September 2020, Webster was diagnosed with a deviated septum, a disability that required surgery. The deviated septum caused Webster to suffer from chronic sinus and respiratory infections.

19. In early September 2020, Webster notified Hoefner and Ford that she needed surgery. Hoefner responded to Webster informing her of her need for surgery by telling Webster that we have to get everyone back in the office. Hoefner told Webster that she was going to need to return two days per week for now (and this will be increased very shortly). Hoefner told Webster that if she could not return, she needed to make a decision, implying that Webster's employment at PM was in danger.

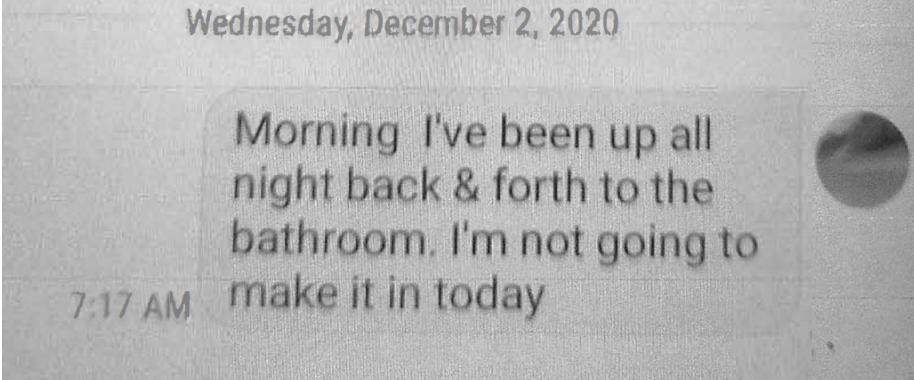
20. On September 9, 2020, Webster provided Hoefner with a note from her physician, Anthony Rooklin, M.D., stating that Webster has a respiratory infection, she should work from home until the infection can be cleared up and surgery is planned.

21. When Hoefner received Webster's September 9 note from Dr. Rooklin, Hoefner responded that same day to Webster and stated:

I just got a note from your physician that he would like you to work from home while you are ill and to be isolated prior to surgery. I am not sure if he realizes that your job is not really a work at home position. Everyone is back in the office and we do have employees who are having surgeries and are immunocompromised, etc. When is your surgery scheduled for? I will discuss with HR what options are available for you so we can figure out a plan, but we need to know your date for surgery.

22. On September 11, 2020, Hoefner emailed Webster and informed her she was allowed to continue to work from home and she should check in after her September 23, 2020 medical appointment.

23. Webster subsequently informed Hoefner that she was having surgery. On October 14, 2020 Webster had surgery.

24. Webster returned to work in-person at PM on November 17, 2020.
25. On November 19, 2020, Webster was exposed to COVID-19 and began an emergency paid sick leave pursuant to the FFCRA.
26. Webster took an FFCRA emergency paid sick leave on November 19, 20, 23 and 24, 2020.
27. After obtaining a negative COVID-19 test result, Webster returned to work in-person at PM on November 25, 2020, the day before Thanksgiving.
28. Webster worked in-person at PM on November 30 and December 1.
29. At 7:17am on December 2, 2020, Webster texted Ford as follows:


Wednesday, December 2, 2020

Morning I've been up all night back & forth to the bathroom. I'm not going to make it in today

7:17 AM
30. Pursuant to PM's Daily Self-Assessment COVID-19 return to work policy, diarrhea was a symptom of COVID-19 that required an employee to report this to their supervisor and refrain from coming to work.
31. Webster sought a medical diagnosis from her physician after contacting Ford.
32. As of December 2, 2020, Webster had six more days of emergency sick leave available to her under the FFCRA as well as more than twelve hours of paid time off accrued.

33. Notwithstanding PM's requirement to offer Webster additional emergency paid sick leave under the FFCRA or offer to let her use her accrued paid time off, Hoefner called Webster later that morning, told her 'it wasn't working out' and that she had not returned to the office after COVID and terminated her employment.

34. Webster was disabled under the ADAAA and PHRA due to her respiratory condition. Webster was disabled pursuant to the ADAAA and PHRA because PM regarded her as disabled, or she had a record of a disability.

35. PM failed to reasonably accommodate Webster by refusing to allow Webster to use paid emergency sick leave pursuant to the FFCRA or use her accrued paid time off.

36. The FFCRA, and the Emergency Paid Sick Leave Act ("ESPLA"), which is a provision of the FFCRA, required PM (which is a private employer with fewer than 500 employees) to provide Webster with up to 80 hours (10 workdays) of paid sick leave when she was unable to work because she was experiencing COVID-19 symptoms and seeking a medical diagnosis.

37. PM terminated Webster's employment due to disability discrimination (actual disability, record of disability, regarded as disabled, or retaliation for requesting reasonable accommodations) or due to PM violating the FFCRA.

38. Webster has suffered, is now suffering and will continue to suffer emotional distress, career loss, loss of earnings capacity, embarrassment, humiliation, suffering, inconvenience, mental anguish, and other nonpecuniary losses as a direct result of PM's unlawful conduct.

39. PM engaged in intentional discrimination against Webster with malice or reckless indifference to her rights.

V. **CLAIMS**

Count I – FFCRA Interference

40. Paragraphs 1-39 are incorporated by reference as if fully set forth herein.

41. The acts, failures to act, practices and policies of PM set forth above interfered with Webster's rights under the ESPLA and FFCRA and violate the FFCRA.

42. A violation of the FFCRA and EPSLA is considered a violation of and is enforced through the Fair Labor Standards Act, (FLSA).

WHEREFORE, Webster respectfully demands judgment in her favor and against PM for back pay and benefits, reinstatement or front pay, liquidated damages, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by PM violated Webster's civil rights, and such other relief as the Court deems proper.

Count II – FFCRA Retaliation

43. Paragraphs 1-39 are incorporated by reference as if fully set forth herein.

44. PM retaliated against Webster for taking protected EPSLA and FFCRA leave and seeking additional EPSLA and FFCRA leave on December 2, 2020.

WHEREFORE, Webster respectfully demands judgment in her favor and against PM for back pay and benefits, reinstatement or front pay, compensatory damages, punitive damages, liquidated damages, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by PM violated Webster's civil rights, and such other relief as the Court deems proper.

Count III – Disability Discrimination – ADAAA

45. Paragraphs 1-39 are incorporated by reference as if fully set forth herein.
46. The acts, failures to act, practices and policies of PM set forth above constitute disability discrimination (actual disability, regarded as disabled, record of disability, failure to provide reasonable accommodations) and violate the ADAAA..

WHEREFORE, Webster respectfully demands judgment in her favor and against PM for compensatory damages for emotional distress, career damage, loss of earnings capacity, mental anguish, humiliation and embarrassment, back pay and benefits, reinstatement or front pay, punitive damages under the ADAAA only-, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by PM violated Webster's civil rights, equitable/injunctive relief directing PM to cease any and all unlawful disability discrimination against their employees and such other relief as the Court deems proper.

COUNT IV – Disability Retaliation - ADAAA

47. Paragraphs 1-39 are incorporated by reference as if fully set forth herein.
48. The acts, failures to act, practices and policies of PM set forth above constitute disability retaliation in violation of the ADAAA.

WHEREFORE, Webster respectfully demands judgment in her favor and against PM for compensatory damages for emotional distress, career damage, loss of earnings capacity, mental anguish, humiliation and embarrassment, back pay, reinstatement or front pay, punitive damages , interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by PM violated Webster's civil

rights, equitable/injunctive relief directing PM to cease any and all unlawful retaliation against their employees and such other relief as the Court deems proper.

Count V – Disability Discrimination – PHRA

49. Paragraphs 1-39 are incorporated by reference as if fully set forth herein.

50. The acts, failures to act, practices and policies of PM set forth above constitute disability discrimination (actual disability, regarded as disabled, record of disability, failure to provide reasonable accommodations) and violate the PHRA.

WHEREFORE, Webster respectfully demands judgment in her favor and against PM for compensatory damages for emotional distress, career damage, loss of earnings capacity, mental anguish, humiliation and embarrassment, back pay and benefits, reinstatement or front pay, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by PM violated Webster's civil rights, equitable/injunctive relief directing PM to cease any and all unlawful disability discrimination against their employees and such other relief as the Court deems proper.

COUNT VI – Disability Retaliation - PHRA

51. Paragraphs 1-39 are incorporated by reference as if fully set forth herein.

52. The acts, failures to act, practices and policies of PM set forth above constitute disability retaliation in violation of the ADAAA.

WHEREFORE, Webster respectfully demands judgment in her favor and against PM for compensatory damages for emotional distress, career damage, loss of earnings capacity, mental anguish, humiliation and embarrassment, back pay and benefits, reinstatement or front pay, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by PM violated Webster's civil

rights, equitable/injunctive relief directing PM to cease any and all unlawful retaliation against their employees and such other relief as the Court deems proper.

Respectfully submitted,

By: /s/ Scott M. Pollins
Scott M. Pollins - Pa. Atty. Id. No. 76334
Pollins Law
303 W. Lancaster Ave., Ste. 1C
Wayne, PA 19087
(610) 896-9909 (phone)/(610) 896-9910 (fax)
scott@pollinslaw.com (email)

Respectfully submitted,

By: /s/ Gilda L. Kramer
Gilda L. Kramer - Pa. Atty. Id. No. 35992
Gilda L. Kramer & Associates, LLC
127 Penarth Road
Bala Cynwyd, PA 19004
(215) 732-4055 (phone)/(215) 732-2736 (fax)
gkramer@gildakramer.com (email)

Attorneys for Plaintiff, Barbara Webster

Date: 7/18/22